

COMBINED DECLARATION, POWER OF ATTORNEY AND PETITION

As a below named inventor, I hereby declare that:

This declaration is of the following type:

- | | | | |
|-------------------------------------|-----------------------|-------------------------------------|----------------------|
| <input checked="" type="checkbox"/> | original | <input type="checkbox"/> | divisional |
| <input type="checkbox"/> | design | <input type="checkbox"/> | continuation |
| <input type="checkbox"/> | supplemental | <input checked="" type="checkbox"/> | continuation-in-part |
| <input type="checkbox"/> | national stage of PCT | | |

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled *Luminal Vascular Compliance Device And Method Of Use*, the specification of which:

- (a) ☒ is attached hereto
- (b) ☐ was filed _____ as Application Serial No _____ and was amended on _____ (if applicable).
- (c) ☐ was described and claimed in PCT International Application No. _____, filed on _____ and as amended under PCT Article 19 on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 USC 119 (a) – (d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

- (d) ☒ no such applications have been filed
- (e) ☐ such application have been filed as follows:

| Prior Foreign Application Number(s) | Country (or indicate if PCT) | Date of Filing (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? |
|-------------------------------------|------------------------------|-----------------------------|--------------------------|--|
| | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

I hereby claim the benefit under 35 USC 119(e) of any United States provisional application(s) listed below:

| Provisional Application Number(s) | Date of Filing (MM/DD/YYYY) |
|-----------------------------------|-----------------------------|
| 60/412,122 | 09/17/2002 |
| 60/473,988 | 05/28/2003 |

I hereby claim the benefit under 35 USC § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 USC § 112, I acknowledge the duty to disclose material information as defined in 37 CFR § 1.56(a), regarding events which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Filing Date | Status-patented, pending, abandoned |
|------------------------|-------------|-------------------------------------|
| 10/192,402 | 07/08/2002 | Pending |
| | | |

I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Inskeep, J.W., Reg. 33,910

Fredericks, Charles, Reg. 51,703

Direct All Correspondence to CUSTOMER NUMBER: 37,374

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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| Full Name of Sole or First Inventor: Robert S. Schwartz | |
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